

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JACK TUCHTEN WHOLESALE PRODUCE INC.,

Plaintiff,
v. Case No. 09-CV-596

GREGBROS LLC, JAMES G. GREGORY,
GREGORY GREGORY, DINO G. GREGORY,
and JOHN GREGORY

Defendants.

ORDER

On June 16, 2009, plaintiff filed a complaint against defendants. The complaint alleges seven different claims for relief. Plaintiff paid the filing fee for this action, and filed a certificate of interest. However, no answer to the complaint or other pleading by any party has been subsequently filed. It appears that, as of the date of this order, the defendants have not been served with a summons and complaint, or waived such service.

Rule 4(m) of the Federal Rules of Civil Procedure states the following:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed.R.Civ.P. 4(m). The period to serve the summons and complaint on defendants expired on October 14, 2009, 120 days after plaintiff filed its complaint. Accordingly,

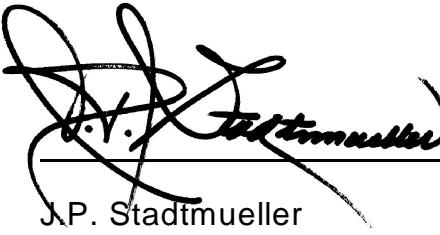
plaintiff shall have twenty (20) days from the date of this order to provide good cause for the failure to timely serve defendants with a summons and complaint. If plaintiff does not provide good cause for failing to timely service defendant, the court will dismiss the complaint without prejudice pursuant to Federal Rule of Civil Procedure 4(m) and Civil Local Rule 41.1.

Accordingly,

IT IS ORDERED that plaintiff shall have twenty (20) days from the date of this order to provide good cause for the failure to timely serve defendants with a summons and complaint; if no good cause is provided, the court will dismiss this action without prejudice.

Dated at Milwaukee, Wisconsin, this 16th day of October, 2009.

BY THE COURT:



J.P. Stadtmauer
U.S. District Judge